

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, April 7, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, and Jessica Fitzwater were present for the meeting. Council Member Billy Shreve was absent.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; Joyce Grossnickle, Administrative Officer, and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

**Public Comments**

- Rolan Clark

**Council President's Report**

Council President Otis noted the upcoming Council budget hearings were approaching.

**Council Member Comments**

Comments were provided by Council Members Chmelik, Donald and Fitzwater.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Board of Education School Construction Fund Amendment #15-12 and Associated County Budget Transfer #BT-15-163
- County Budget Transfers:
  - #BT-15-152 – Sheriff's Office
  - #BT-15-158 – Circuit Court
  - #BT-15-162 – Parks and Recreation Division
  - #BT-15-164 – Office of Project Management, Public Works Division – Independent Hose Company Renovation
  - #BT-15-175 – Department of Aging, Citizens Services Division

Mr. Chuck Nipe and Mr. Brett Fouche, Public Works Division, provided comments regarding #BT-15-164 noting that staff was requesting funding for the remaining costs associated with the renovation of the Independent Hose Company.

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*Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Delauter seconded the motion that passed 6-0 with Council Member Shreve absent.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**BUSINESS ITEMS****Approval of Minutes**

*Council Member Keegan-Ayer made a motion to approve the March 17, 2015, minutes. Council Member Fitzwater seconded the motion that passed 6-0 with Council Member Shreve absent.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

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**Confirmation of County Executive Appointments to Frederick County Boards and Commissions – Joyce Grossnickle, Administrative Officer**

Ms. Grossnickle presented County Executive Gardner's appointments/reappointment she recently made to the following Frederick County boards and commissions. Ms. Grossnickle requested Council confirmation of the appointments/reappointment.

**Commission for Women**

Nina Carr – Appointment for a term to expire June 30, 2015, and the appointment to serve a full three-year term that would become effective July 1, 2015, and expire June 30, 2018.

Evelyn Stephenson – Appointment for a term to expire June 30, 2016.

**Commission on Disabilities**

Joshua Rouch – Appointment for a term to expire June 30, 2015, and the appointment to serve a full three-year term that would become effective July 1, 2015, and expire June 30, 2018.

**Fire and Rescue Advisory Board**

Marc McNeal – Reappointment for a term to expire June 30, 2017.

Lt. Warren "Jay" Schwab – Appointment for a term to expire June 30, 2017.

*Council Member Keegan-Ayer moved to confirm County Executive Gardner's appointments/reappointment as presented. Council Member Donald seconded the motion that passed 6-0 with Council Member Shreve absent.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

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**Introduction of Bill No. 15-01 - Amend the Frederick County Personnel Rules**

Council Member Fitzwater stated for the record: Bill No. 15-01: To amend the Frederick County Personnel Rules to provide for 10 at-will appointments by the County Executive and 10 at-will appointments by the County Council; Two floating holidays per calendar year effective 7/1/15 (one floating holiday being granted for 2015); Increased rate of sick leave accrual from 10/12 days to 15 days per year for all employees effective 7/1/15; Revision of the tuition reimbursement program effective 7/1/15; Change Division of Fire and Rescue Services deputy chief positions to merit positions; and to make certain changes to update and clarify the provisions therein.

Mr. Mitch Hose, Director of the Human Resources Division, provided information relevant to the bill.

Questions and comments ensued.

Council Member Otis advised the public that Bill No. 15-01 would be scheduled for a public hearing on Tuesday, May 5, 2015.

**Introduction of Bill No. 15-02 – Revise Certain Frederick County Electric Lighting Tax Districts**

Council Member Keegan-Ayer stated for the record: Bill No. 15-02: A bill to revise the New Addition and Braddock Heights Electric Lighting District tax rates so that projected revenue will cover projected costs.

Mr. Mike Gastley, Interim Budget Director, provided information relevant to the bill.

Questions and comments ensued.

Council Member Otis advised the public that Bill No. 15-02 would be scheduled for a public hearing on Wednesday, April 29, 2015.

**Introduction of Resolution No. 15-05 - Establishing the Constant Yield Tax Rate**

Ms. Diane Fox, Director of the Department of Treasury, Finance Division, provided information relevant to the proposed resolution.

Questions and comments ensued.

Council Member Otis advised the public that the Constant Yield Tax Rate would be scheduled for a public hearing on Tuesday, May 5, 2015.

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**Discussion of a Joint Meeting Between the Frederick County Council and The City of Frederick Board of Aldermen – Council President Bud Otis and President Pro Tem Kelly Russell, Board of Aldermen for The City of Frederick**

Alderman Russell expressed the desire of The City of Frederick Aldermen to establish a working relationship with the Council and suggested joint meetings take place. By unanimous consent the joint meetings would be held at a time convenient for both elected bodies with the first meeting to be held at Winchester Hall

**PUBLIC HEARING**

**To Consider Designation of 'Trout Run (Richey Lodge)' located at 12929 Catoctin Hollow Road, as a Listed Site on the Frederick County Register of Historic Places – Denis Superczynski, Community Development Division**

Mr. Superczynski briefed the Council on the request to add the Trout Run/Richey Lodge property to the Frederick County Register of Historic Places. He noted the Historic Preservation Commission recommended listing the property on the Frederick County Register of Historic Places, as it found that the property met three (3) of the prescribed criteria established in the Frederick County Historic Preservation Ordinance.

Council President Otis swore in all those persons who wished to testify before the Council on this matter.

Mr. Bruce Dean, Esquire, Linowes and Blocher, representing the applicant, commented on the request.

Public comments were made by:

- Katherine McBride
- Ann Landahl
- Leslie Summers-Stay
- Jackie Jenkins
- Chuck Farmer
- Kai Hagen

Mr. Dean, Ms. Katherine Kuranda, Christopher Goodwin & Associates, Inc.; Mr. Michael Proffitt, Proffitt & Associates Architects, PC; and Ms. Yovanne Rodgers, Narconon, provided a rebuttal of the public comments.

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*Council Member Chmelik moved to postpone the decision to affirm the recommendation of the Historic Preservation Commission to place the Trout Run/Richey Lodge property on the Frederick County Register of Historic Places until the Council's Tuesday, April 21 meeting. Council Member Keegan-Ayer seconded the motion that passed 4-2 with Council Members Delauter and Donald opposed and Council Member Shreve absent.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**Public Comments**

- Bruce Dean, Esquire, Linowes and Blocher
- Chuck Farmer

**Council Comments**

Council Members Donald and Fitzwater provided comments.

**Closed Session**

Maryland Annotated Code General Provisions Article §3-305(b): (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; and (7) To consult with counsel to obtain legal advice on a legal matter.

Topic: Interview County Executive Appointee under Charter Sections 410 and 412(a).

Topic: To discuss the meaning and impact of a recent court decision.

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*Council Member Keegan-Ayer moved to go into Closed Session. Council Member Chmelik seconded the motion that passed 6-0 with Council Member Shreve absent.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**Adjourn**

The meeting adjourned at 6:55 p.m.

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Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, APRIL 7, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):** (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; and (7) To consult with counsel to obtain legal advice on a legal matter.

**Motion:**

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Chmelik, the Council voted 6-0, with Council Member Shreve absent, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; and (7) To consult with counsel to obtain legal advice on a legal matter.

**Time and Location:**

7:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To interview County Executive Appointee under Charter Sections 410 and 412(a).

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Bud Otis, President  
County Council



**COUNTY COUNCIL OF FREDERICK COUNTY  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, APRIL 21, 2015,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, APRIL 7, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b)** (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; and (7) To consult with counsel to obtain legal advice on a legal matter.

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**Time and Location:**

7:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, D. Browning, R. Cherney, and L. Shea

**Topic to be Discussed:**

To interview County Executive Appointee under Charter Sections 410 and 412(a).

**Action Taken:**

The Council confirmed the County Executive's appointee.

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**Time and Location:**

7:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the meaning and impact of a recent court decision.

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**Others in Attendance:**

J. Mathias, D. Browning, and R. Cherney

**Topic to be Discussed:**

To discuss the meaning and impact of a recent court decision.

**Action Taken:**

No action was taken.

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Bud Otis, President  
County Council